

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 580**

Introduced by Johnson, 37; Beutler, 28; Bourne, 8; Brown, 6;  
Byars, 30; Chambers, 11; Howard, 9; Kruse, 13;  
Landis, 46; D. Pederson, 42; Price, 26; Raikes, 25;  
Schimek, 27; Thompson, 14

Read first time January 18, 2005

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section  
2 28-101, Revised Statutes Supplement, 2004; to adopt the  
3 Human Cloning Prohibition Act; to provide penalties; to  
4 harmonize provisions; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-101, Revised Statutes Supplement,  
2   2004, is amended to read:

3           28-101. Sections 28-101 to 28-1350 and sections 2 to 8  
4 of this act shall be known and may be cited as the Nebraska  
5 Criminal Code.

6           Sec. 2. Sections 2 to 8 of this act shall be known and  
7 may be cited as the Human Cloning Prohibition Act.

8           Sec. 3. It is the purpose of the Human Cloning  
9 Prohibition Act to prohibit human cloning and to protect important  
10 areas of medical research, including stem cell research.

11          Sec. 4. For purposes of the Human Cloning Prohibition  
12 Act:

13           (1) Donating means giving without receiving valuable  
14 consideration;

15           (2) Fertilization means the fusion of an oocyte  
16 containing a haploid nucleus with a male gamete;

17           (3) Human cloning means implanting or attempting to  
18 implant the product of nuclear transplantation into a uterus or the  
19 functional equivalent of a uterus;

20           (4) Human somatic cell means any human cell other than a  
21 haploid germ cell;

22           (5) Nuclear transplantation means transferring the  
23 nucleus of a human somatic cell into an oocyte from which the  
24 nucleus or all chromosomes have been or will be removed or rendered  
25 inert;

26           (6) Nucleus means the cell structure that houses the  
27 chromosomes;

28           (7) Oocyte means the female germ cell, the egg;

1           (8) Unfertilized blastocyst means an intact cellular  
2 structure that is the product of nuclear transplantation.  
3 Unfertilized blastocyst does not include stem cells, other cells,  
4 cellular structures, or biological products derived from an intact  
5 cellular structure that is the product of nuclear transplantation;  
6 and

7           (9) Valuable consideration does not include reasonable  
8 payments (a) associated with the transportation, processing,  
9 preservation, or storage of a human oocyte or of the product of  
10 nuclear transplantation research or (b) to compensate a donor of  
11 one or more human oocytes for the time or inconvenience associated  
12 with such donation.

13           Sec. 5. (1) It is unlawful for any person or other legal  
14 entity, public or private, (a) to conduct or attempt to conduct  
15 human cloning or (b) to ship or receive the product of nuclear  
16 transplantation for the purpose of human cloning.

17           (2) This section does not restrict practices not  
18 expressly prohibited in this section.

19           Sec. 6. Research involving nuclear transplantation shall  
20 be conducted in accordance with 45 C.F.R. part 46, subpart A, or 21  
21 C.F.R. parts 50 and 56, as such regulations existed on the  
22 effective date of this act.

23           Sec. 7. (1) The nucleus of a human somatic cell shall  
24 not be transplanted into a human oocyte that has undergone or will  
25 undergo fertilization.

26           (2) An unfertilized blastocyst shall not be maintained  
27 after more than fourteen days from its first cell division, not  
28 including any time during which it is stored at a temperature of

1 zero degrees centigrade or less.

2 (3) (a) An oocyte shall not be used in nuclear  
3 transplantation research unless such oocyte has been donated  
4 voluntarily by and with the informed consent of the woman donating  
5 the oocyte.

6 (b) No human oocyte or unfertilized blastocyst shall be  
7 acquired, received, or otherwise transferred for valuable  
8 consideration.

9 Sec. 8. (1) Any person who intentionally violates the  
10 Human Cloning Prohibition Act is guilty of a Class IV felony.

11 (2) Any property, real or personal, derived from or used  
12 to commit a violation or attempted violation of the act or any  
13 property traceable to such property shall be subject to forfeiture  
14 to the State of Nebraska.

15 (3) This section does not give any individual or person a  
16 private right of action.

17 Sec. 9. Original section 28-101, Revised Statutes  
18 Supplement, 2004, is repealed.